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PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION LAW AND RELATED LITIGATION

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November 10, 2005

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Enclosures:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page) Notice of Appeal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit Account 23-3000 in the amount of \$500.00 for the Fee (1 page)

From: Douglas A. Scholer

Reg. No. 52,197 U.S. Patent Application Re:

Serial No.

10/022,982 Filed:

December 17, 2001 William Joseph Armstrong et al. Applicant:

2195 Art Unit:

4230 Confirmation No.: Our Ref: IBM/195

Pages: 2 (including cover sheet)

MESSAGE/COMMENTS OFFICIAL

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PATENT

Attorney Docket No. ROC920010097US1 WHE Docket: IBM/195 Confirmation No. 4230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Judith L. Volk

William Joseph Armstrong et al.

Art Unit:

2195

Serial No.:

10/022,982

Examiner:

Jennifer N. To

Notice of Appeal

WH&E IBM/195

IBM Docket ROC920010097US1

Atty. Docket No.: ROC920010097US1

December 17, 2001 Filed: DYNAMIC DIAGNOSTIC PROGRAM FOR DETERMINING THREAD WAIT TIME For:

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed August 10, 2005 finally rejecting claims 1-39.

The item(s) checked below are appropriate:

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Date

November 10, 2005

1	Applicants hereb		a month ex		to reply to	the fin	al rejection.				
2. <u>X</u>	Appeal Fee:	<u>xxx</u>	-	small entity Status previously d is still proper	Fee:	\$ <u>500.0</u> \$	<u>0</u>				
			Small Entity	Status Requested	Fee:	\$	_				
3. <u>X</u>	Payment	xxx	Please charge		0.00 and a	0 and any deficiency or credit count No. 23-3000.					
Wood, Herron & Evans, L.L.P. 2700 Carew Tower 441 Vine Street Cincinnati, Ohio 45202 Telephone: (513) 241-2324 Facsimile: (513) 241-6234				By: Douglas A Reg. No.	A. Scholer 52,197						
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